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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/377,045	08/19/1999	PAUL S. SUDOLCAN	L-0170.33	7291

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EXAMINER

FAULK, DEVONA E

ART UNIT PAPER NUMBER

2644

DATE MAILED: 03/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/377,045

Applicant(s)

SUDOLCAN, PAUL S.

Examiner

Devona E. Faulk

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 8 is/are rejected.
- 7) ☒ Claim(s) 3-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1 and 2** are rejected under 35 U.S.C. 103(a) as being unpatentable over Whigman et al. (U.S. Patent 5,129,434) in view of McCann et al. (U.S. Patent 3,647,115).

Regarding **claim 1**, Whigman discloses a beverage-dispensing valve comprising a valve (50), comprising a switch (70) that is actuated when a drink is to be dispensed at the moment a cup is pushed against the arm (68), which reads on "a switch in operative engagement with the valve for selectively activating the valve". Although he teaches on the above named elements, Whigman fails to disclose an audio unit linked with the switch. However the concept of an audio unit linked with a switch was well known in the art at the time of filing as taught by McCann. McCann discloses a liquid-dispensing device with audible alarm. A vibrator, which reads on "audio unit", is provided for providing audible signals each time liquid is dispensed (See abstract.). The vibrator is actuated when the operator applies force to button (14), which would read on "switch" (column 2, lines 37-55). Modifying Whigman's valve to include an alarm device or some type of sound transmitting device as in McCann's dispenser would then read on "an audio unit linked with the switch for providing audible information". Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Whigman's

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valve by incorporating McCann's audible alarm for the benefit of giving an audible indication that the dispenser is functioning properly.

Claim 2 claims the audio dispensing valve according to claim 1 wherein the audio unit is activated and deactivated in cooperative engagement with the switch as the switch selectively activates the valve. McCann's audible alarm is connected to a switch, the button. Whigham's switch activates the valve. It is obvious that once placed in Whigham's valve and connected to the switch, that the alarm as well as the valve would be activated and deactivated as claimed. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to have the audio unit activated and deactivated as claimed for the benefit of giving an audible indication that the dispenser is in operation.

3. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Whigham et al. (U.S. Patent 5,129,434) in view of McCann et al. (U.S. Patent 3,647,115) in further view of Sacchetti (U.S. Patent 5,908,142).

Regarding claim 8, Whigman discloses a beverage-dispensing valve comprising a valve (50), comprising a switch (70) that is actuated when a drink is to be dispensed at the moment a cup is pushed against the arm (68). Although he teaches on the above named elements, Whigman fails to disclose an audio unit linked with the switch. However the concept of an audio unit linked with a switch was well known in the art at the time of filing as taught by McCann. However the concept of an audio unit linked with a switch was well known in the art at the time of filing as taught by McCann. McCann discloses a liquid-dispensing device with audible alarm. A vibrator, which reads on "audio unit", is provided for providing audible signals each time liquid is dispensed (See abstract.). The vibrator is actuated when the operator applies force to

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button (14), which would read on "switch" (column 2, lines 37-55). Modifying Whigham's valve to include an alarm device or some type of sound transmitting device as in McCann's dispenser would then read on "linking the audio unit with a switch", "activating the audio unit with a switch" and "generating an acoustic signal with the audio unit", "projecting the acoustic signal from the audio dispensing valve via the audio unit" as claimed. Although McCann teaches on the above element he fails to teach of storing an audio message as claimed. However the concept of a dispensing apparatus storing audio information was well known in the art at the time of filing as taught by Sacchetti. Sacchetti discloses a beverage dispenser system comprising a central processing unit (128) that is capable of storing audio information (column 6, lines 27-36) (figure 6). Modifying Whigham's valve to include Sacchetti's central processing unit would then read on "storing an audio message". Switch activated sound transmitting devices are well known in the art. The method is obvious in the functionality of the apparatus. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Whigham's valve by incorporating McCann's audible alarm and Sacchetti's central processing unit for the benefit of giving a audible indication that the dispenser is functioning properly and to provide the dispenser with an additional feature to make it a more appealing device.

Claim Objections

4. **Claims 3-7, and 9** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

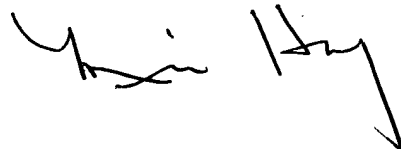
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devona E. Faulk whose telephone number is 703-305-4359. The examiner can normally be reached on 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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